

AMENDED IN ASSEMBLY AUGUST 18, 2014

AMENDED IN ASSEMBLY AUGUST 4, 2014

AMENDED IN ASSEMBLY JUNE 10, 2014

AMENDED IN SENATE MAY 28, 2013

AMENDED IN SENATE MAY 15, 2013

AMENDED IN SENATE APRIL 24, 2013

AMENDED IN SENATE APRIL 1, 2013

## **SENATE BILL**

**No. 505**

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### **Introduced by Senator Jackson**

February 21, 2013

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An act to add Section 11106.4 to the Penal Code, relating to crime prevention.

#### LEGISLATIVE COUNSEL'S DIGEST

SB 505, as amended, Jackson. Peace officers: welfare checks: firearms.

Existing law allows a person to be taken into custody for a period of 72 hours for crisis intervention when probable cause exists that the person, as a result of a mental disorder, is a danger to others, or to himself or herself, or gravely disabled. Under existing law, the Attorney General is required to maintain a registry of specified information concerning the sale, lease, or transfer of firearms, and to include in the registry specified data provided to the Department of Justice.

~~This bill would, except when exigent circumstances exist, and provided that sufficient identifying information is available or could be ascertained through reasonable efforts, require a peace officer who is~~

~~asked to check, or checks on, the welfare or well-being of an individual based on a concern that the individual is a danger to others, or to himself or herself, to first would require law enforcement agencies to develop, adopt, and implement written policies and standard protocols pertaining to the best manner to conduct a “welfare check,” when the inquiry into the welfare or well-being of the person is motivated by a concern that the person may be a danger to himself or herself or to others. The bill would require those policies to encourage a peace officer, prior to conducting the welfare check and whenever possible and reasonable, as specified, to conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System to determine whether the person is the registered owner of any a firearm.~~

By imposing additional duties on local ~~peace officers law enforcement agencies~~, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. ~~Section 11106.4 is added to the Penal Code, to~~  
2     ~~read:~~  
3     ~~11106.4. Except when exigent circumstances exist, and~~  
4     ~~provided that sufficient identifying information is available or~~  
5     ~~could be ascertained through reasonable efforts, if during the~~  
6     ~~discharge of his or her policing and community care taking~~  
7     ~~functions, a peace officer is asked to check, or checks on, the~~  
8     ~~welfare or well-being of a person, and the inquiry is motivated by~~  
9     ~~a concern that the person may be a danger to others or to himself~~  
10    ~~or herself, the peace officer shall first conduct a search of the~~  
11    ~~Department of Justice Automated Firearms System via the~~  
12    ~~California Law Enforcement Telecommunications System, to~~

1 ~~determine whether the person is the registered owner of any~~  
2 ~~firearm.~~

3 *SECTION 1. Section 11106.4 is added to the Penal Code, to*  
4 *read:*

5 *11106.4. (a) Every law enforcement agency shall develop,*  
6 *adopt, and implement written policies and standard protocols*  
7 *pertaining to the best manner to conduct a “welfare check,” when*  
8 *the inquiry into the welfare or well-being of the person is motivated*  
9 *by a concern that the person may be a danger to himself or herself*  
10 *or to others. The policies shall encourage a peace officer, prior*  
11 *to conducting the welfare check and whenever possible and*  
12 *reasonable, to conduct a search of the Department of Justice*  
13 *Automated Firearms System via the California Law Enforcement*  
14 *Telecommunications System to determine whether the person is*  
15 *the registered owner of a firearm.*

16 *(b) For purposes of this section, “reasonable” as used in*  
17 *subdivision (a) means that the officer could conduct the firearm*  
18 *registry check without undue burden on the execution of the*  
19 *officer’s other duties, that there are no exigent circumstances*  
20 *demanding immediate attention, and that the peace officer has*  
21 *access to, or can reasonably ascertain, relevant identifying*  
22 *information.*

23 *SEC. 2. If the Commission on State Mandates determines that*  
24 *this act contains costs mandated by the state, reimbursement to*  
25 *local agencies and school districts for those costs shall be made*  
26 *pursuant to Part 7 (commencing with Section 17500) of Division*  
27 *4 of Title 2 of the Government Code.*